

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Spector, Lorraine
)	
David BOTSTEIN, <i>et al.</i>)	Art Unit: 1647
)	
Application Serial No. 09/991,073)	Confirmation No. 4049
)	
Filed: November 14, 2001)	Attorney's Docket No. 39780-2730 P1C15
)	
For: PRO809 POLYPEPTIDES)	Customer No. 35489
)	
)	

**FILED VIA EFS
ON OCTOBER 2, 2007**

PRELIMINARY AMENDMENT

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Final Office Action mailed on October 05, 2006, in connection with the above-identified patent application (Paper No./Mail Date 20060928), Applicants filed a Notice of Appeal on March 5, 2007. This Preliminary Amendment is accompanied by a Request for Continued Examination under 37 C.F.R. §1.114, and are timely filed with a five-month extension fee.

Applicants remarks/arguments in the Preliminary Amendment filed on July 5, 2006 are hereby incorporated by reference in their entirety.

Enclosed herewith is the Information Disclosure Statement providing i) a copy of the translated protein sequence of clone H74302 of Hiller et al., and ii) a comparison Blast sequence alignment of the putative translated H74302 protein sequence with the instantly claimed PRO809 polypeptide sequence. Applicants respectfully request that the information listed be considered by the Examiner and be made of record in the above-identified application.

Remarks/Arguments begin on page 2 of this paper.